

In the United States Court of Federal Claims

Case No. 03-115C
(Filed: January 27, 2003)

NEW BREED LEASING CORP., *
Plaintiff, *

v. *

THE UNITED STATES OF AMERICA, *
Defendant, *

and *

APL LOGISTICS, LTD. *
Intervenor. *



ORDER

The Plaintiff, New Breed Leasing Corporation (New Breed) filed this bid protest action on January 22, 2003. This Order confirms the agreement reached by the parties in the Preliminary Status Conference that the Court held in this matter on Friday, January 24, 2003.

I. Intervention

The Motion to Intervene, filed on January 24, 2003, by APL Logistics, Ltd. (APL), the awardee of the contract under review in this action, is **GRANTED**. APL is notified that all further proceedings in this case shall be conducted according to the Court's Special Procedures Order (SPO), filed on January 23, 2003.

As discussed, the Defendant shall notify the third Offeror who competed for the contract in question, U.S. Postal Service (USPS) Solicitation number 102584-02-A-0413, about the Plaintiff's Complaint. If the Defendant learns that this Offeror intends to file a Motion to Intervene, the Defendant shall so advise the Court at its earliest possible convenience.

II. Seal

Simultaneous with the filing of the Complaint, the Plaintiff filed a Motion to File the Complaint Under Seal. In accordance with Appendix C of the Rules of the Court of Federal Claims (RCFC), the Plaintiff also filed redacted, public versions of the Complaint, accompanying exhibits, and a legal memorandum.

The Plaintiff's Motion to File the Complaint Under Seal is GRANTED, and the Clerk of Court is directed to seal the Complaint, the Memorandum of Points and Authorities, and the notebook of Exhibits. The redacted versions shall be placed among the Court's public files.

III. Page Limits

The Plaintiff's Motion for Leave to File an Initial Memorandum in Excess of Forty Pages is GRANTED.

IV. Protective Order

During the Status Conference, the parties discussed the Plaintiff's Motion for a Protective Order and reviewed a draft version of the Court's standard Provisional Protective Order. The Intervenor questioned a provision in the Draft Order regarding automatic access to protected material. The Court has reviewed that section (Section 3), and agrees that each employee or officer of New Breed and APL must comply with the provisions of Section 4(a), and execute an Application for Access to Materials Under Protective Order.

Accordingly, **the Plaintiff's Motion for a Protective Order is hereby GRANTED.** The Court will issue the Provisional Protective Order under separate cover.

The parties may, but need not, file a motion requesting revisions to the Provisional Protective Order. **Such a motion shall be filed no later than Friday, January 31, 2003.**

V. Temporary Restraining Order

The Plaintiff's Motion for a Temporary Restraining Order, filed January 22, 2003, is DENIED.

VI. Preliminary Injunction

The Plaintiff also filed a Motion for a Preliminary Injunction on January 22, 2003. As noted above, accompanying the motion, the Plaintiff filed its initial Memorandum in Support of its Motion.

The Court orders the Defendant and the Intervenor to file Responses to the Plaintiff's Motion. As discussed, **these Responses shall be filed no later than Monday, January 27, 2003, at midnight. The Responses shall be limited to fifty-five (55) pages.**

The Plaintiff may file a Reply to the Responses, no later than Tuesday, January 28, 2003, also at midnight. The Plaintiff's Reply is limited to twenty (20) pages.

Given the length of the briefs, the parties are requested NOT to send courtesy copies by facsimile.

VII. Oral Argument

This Order confirms that the Court will entertain Oral Argument on the Plaintiff's Motion for a Preliminary Injunction on Wednesday, January 29, 2003, at 2:00 pm.

The parties shall appear in person at the U.S. Court of Federal Claims, Courtroom 4, the National Courts Building, 717 Madison Place, N.W., Washington, D.C. 20005.

VIII. Dispositive Motion Briefing Schedule

The Court appreciates the parties' efforts to reach agreement on a briefing schedule for motions for summary judgment. Thus, the filing schedule is as follows:

Administrative Record	January 31, 2003
Cross-Motions for Summary Judgment	February 21, 2003
Cross-Replies	March 7, 2003

IT IS SO ORDERED.



LAWRENCE M. BASKIR
Judge